

Attorney Docket No.: PM (DC-0251)
Inventor: Wade and Demian
Serial No.: 09/720,078
Filing Date: 25 July 2001
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REMARKS

Claims 1, 2, 5, and 8-17 are pending in the instant application. Claims 1, 2, 5, and 8-17 have been rejected. Claim 1 has been amended. Claims 2, 8-11, and 16-17 have been canceled. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of the following remarks.

I. Rejection of Claims Under 35 U.S.C. §103

Claims 1, 2, 5 and 8-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Anand et al. (U.S. Patent No. 6,291,208) and Heath (U.S. Patent Application No. 2002/0135722) and further view of Applicants' admission that species of classes and types of antigens are held obvious in view of one another in the instant invention. The Examiner suggests that Anand et al. teach the use of antibody conjugates comprising antibodies that bind antigen presenting cells, including dendritic cells, to deliver antigens in order to generate immunogenic compositions to a variety of antigens and that this is applicable to any antigen derived from viruses, bacteria and tumors. It is further suggested that Heath teaches the co-administration of a CD40 stimulating moiety (e.g., anti-CD40 antibodies) and the appropriate antigen, including the use of covalent linkage or co-entrapment as a vaccine to a variety of antigens. Thus, the Examiner suggests that the prior art teaches all three components of the composition used in accordance with the method of the invention. It is suggested that adjuvants are substances that enhance or potentiate the immune response to an antigen and that Heaths that CD40 stimulators can enhance antibody response to pneumococcal polysaccharides in individuals unable to respond to

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polysaccharide only-based vaccines. It is therefore, suggested that there would be a reasonable expectation of success in producing an immune response greater than the simple sum of antibody-antigen conjugates and anti-CD40 antibodies acting alone. The Examiner suggests that given the teachings of Heath to provide anti-CD40 with antigen in composition form or as a conjugate and the teachings of Anand et al. to provide antigen with anti-antigen present cell/dendritic cell antibodies, it would have been obvious to one of ordinary skill in the art to administer the antigen in the context of such antigen-antibody conjugate with the immunostimulatory anti-CD40 antibodies to boost the immune response to a wide variety of desired antigens, including providing both components in the same compositions, as taught by Heath. It is further suggested that one of ordinary skill would have been motivated to target professional antigen presenting cells such as dendritic cells with the combination of antigen-antibody targets and the immunostimulatory agonistic CD40 antibodies to enhance the immune response to a wide variety of antigens. The Examiner suggests that Applicants have not provided an appropriate RCE response after two final amendments and therefore, the rejection stands. Applicants respectfully disagree with this rejection.

Anand et al. and Heath specifically teach the use of the compositions disclosed therein for eliciting an immune response to antigens. See, e.g., column 3 (lines 3-5), column 4 (lines 17-20), and column 8 (lines 52-56) of Anand et al. See also, e.g., paragraphs 0019, 0049, 0050, and 0063 of Heath. In contrast, the instant invention discloses and claims a method for suppressing immune responses. See, e.g., page 7 (lines 13-16) and the

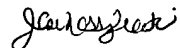
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paragraph bridging pages 16 and 17. Accordingly, in an earnest effort to facilitate the prosecution of the instant invention, Applicants have amended the claims to highlight this aspect of the invention. Because Anand et al. and Heath fail to teach or suggest the claimed invention, these references fail to make the instant invention obvious. It is therefore respectfully requested that this rejection be withdrawn.

II. Conclusion

The Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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